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HIGH SIERRA HIKERS ASSOCIATION

8 *See signature page for additional appearances of counsel*

10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA

13 HIGH SIERRA HIKERS ASSOCIATION,

14 Plaintiff,

15 v.

16 UNITED STATES DEPARTMENT OF THE  
INTERIOR, et al.,

17 Defendants.

Case No. CV-09-4621 RS

**STIPULATED SUBMISSION OF  
SUPPLEMENTAL MATERIAL  
AFFECTING MOTION FOR  
RELIEF AND [PROPOSED]  
ORDER**

DATE: May 23, 2012

TIME: 1:30 P.M.

JUDGE: Hon. Richard Seeborg

CTRM: Courtroom 3, 17th Floor

Local Rule 7-3(d)(2)

1           WHEREAS, a hearing date for Plaintiff High Sierra Hikers Association (“High Sierra”’s  
 2 Motion for Partial Vacatur and Injunctive Relief (Dkt. No. 101) is currently set for May 23, 2012;

3           WHEREAS, High Sierra submitted the following excerpts from seven rough deposition  
 4 transcripts as exhibits to the Reply Declaration of Barbara N. Barath in support of Plaintiff’s  
 5 Motion for Partial Vacatur and Injunctive Relief (Dkt. No. 111): Exhibit 140, Dkt No. 111-3,  
 6 which contains excerpts from the rough transcript of the deposition of Karen Taylor-Goodrich  
 7 taken May 1, 2012; Exhibit 141, Dkt. No. 111-4, which contains excerpts from the rough  
 8 transcript of the deposition of Sylvia Haultain taken May 1, 2012; Exhibit 143, Dkt. No. 11-6,  
 9 which contains excerpts from the rough transcript of the deposition of Gregg Fauth taken May 1,  
 10 2012; Exhibit 147, Dkt. No. 111-14, which contains excerpts from the rough transcript of the  
 11 deposition of Tim Shew taken May 4, 2012; Exhibit 148, Dkt. No.111-15, which contains  
 12 excerpts from the rough transcript of the deposition of Steven Day taken May 4, 2012; Exhibit  
 13 149, Dkt. No. 111-16, which contains excerpts from the rough transcript of the deposition of  
 14 Hilary Painter taken May 4, 2012; and Exhibit 151, Dkt. No. 111-18, which contains excerpts  
 15 from the rough transcript of the deposition of Dave Dohnel taken May 3, 2012;

16           WHEREAS, on May 14, 2012, Defendants United States Department of the Interior, *et al.*  
 17 (“Defendants”) filed an Objection to evidence submitted by the High Sierra, arguing *inter alia*  
 18 that they had not received any of the deponents’ transcripts and that, “[w]ithout the full deposition  
 19 transcripts . . . the court is presented with an incomplete and often misleading understanding of  
 20 the witnesses’ testimony.” (Dkt. No. 112 at 5);

21           WHEREAS, between May 11, 2012 and May 21, 2012, counsel for High Sierra received  
 22 copies of the final versions of the rough transcripts submitted as Exhibits 140, 141, 132, 147, 148,  
 2 149, and 151;

24           WHEREAS, on May 18, 2012 and May 21, 2012, counsel for High Sierra sent copies of  
 25 those complete and final deposition transcripts to counsel for the Defendants;

26           WHEREAS, on May 21, 2012, counsel for Defendants stipulated to the submission of the  
 27 following seven complete and final deposition transcripts as supplemental authority pursuant to  
 28

1 Local Rule 7-3(d)(2), subject to the proviso that the three National Park Service deponents (Ms.  
2 Karen Taylor-Goodrich, Ms. Sylvia Haultain, and Mr. Gregg Fauth) have not yet had an  
3 opportunity to submit their changes or corrections to their deposition testimony:

- 4 • Exhibit 153, which is a true and correct copy of the final transcript of the  
deposition of Karen Taylor-Goodrich taken May 1, 2012.
- 5 • Exhibit 154, which is a true and correct copy of the final transcript of the  
deposition of Sylvia Haultain taken May 1, 2012.
- 6 • Exhibit 155, which is a true and correct copy of the final transcript of the  
deposition of Gregg Fauth taken May 1, 2012.
- 7 • Exhibit 156, which is a true and correct copy of the final transcript of the  
deposition of Tim Shew taken May 4, 2012.
- 8 • Exhibit 157, which is a true and correct copy of the final transcript of the  
deposition of Steven Day taken May 4, 2012.
- 9 • Exhibit 158, which is a true and correct copy of the final transcript of the  
deposition of Hilary Painter taken May 4, 2012.
- 10 • Exhibit 159, which is a true and correct copy of the final transcript of the  
deposition of Dave Dohnel taken May 3, 2012.

11  
12 NOW, THEREFORE, IT IS HEREBY STIPULATED by and between the parties hereto,  
13 through their counsel of record, and subject to the Court's approval, that Exhibits 153-159 shall  
14 be considered as supplemental materials affecting High Sierra's relief motion pursuant to Local  
15 Rule 7-3(d)(2).

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1 Dated: May 21, 2012

ALISON M. TUCHER  
NATHAN B. SABRI  
BARBARA BARATH  
MORRISON & FOERSTER LLP

4 By: /s/ Barbara N. Barath  
5 Barbara N. Barath

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9 Attorneys for Plaintiff

10 Dated: May 21, 2012

CHARLES R. SHOCKEY

12 By: /s/ Charles R. Shockey [as authorized]  
13 Charles R. Shockey

14 U.S. Department of Justice  
15 Environmental and Natural Resources Division  
Natural Resources Section  
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16 Sacramento, California 95814-2322  
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Facsimile: 916.930.2210  
17 Email: charles.shockey@usdoj.gov

18 Attorneys for Defendants

20 **[PROPOSED] ORDER**

21 Pursuant to stipulation, IT IS SO ORDERED.

22 DATED: 5/22/12



24 The Hon. Richard Seeborg  
United States District Judge

1                   **ATTESTATION PURSUANT TO GENERAL ORDER 45 X.B.**

2                   I, Barbara N. Barath, am the ECF User whose ID and password are being used to file this  
3 Stipulated Submission of Supplemental Material Affecting Motion for Relief and [Proposed]  
4 Order. In compliance with General Order 45, X.B., I hereby attest that Charles R. Shockey has  
5 concurred in this filing.

6  
7 Dated: May 21, 2012

MORRISON & FOERSTER LLP

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9                   /s/ *Barbara N. Barath*  
10                  BARBARA N. BARATH  
11                  bbarath@mofo.com

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